

**RECEIVED
CENTRAL FAX CENTER****JAN 24 2005**

NRN-001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re Application of:**

Natalie Rose NOEL

Serial No.: 10/090,889**Filed:** Mar. 4, 2002**For:** Breast Restraint for Athletic
Activity**Art Unit:** 3765**Examiner:** Gloria M HALE**Tel:** (571) 272-4984**Fax:** (571) 273-4984 & (703) 872-9306**Notice of Abandonment Mailed:**

Dec. 1, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**RESPONSE TO NOTICE OF ABANDONMENT**

This paper is responsive to a Notice of Abandonment mailed on Dec. 1, 2004. Applicants hereby request that the Notice of Abandonment be rescinded. As discussed in a telephone conversation with the Examiner, this case has not been abandoned.

The last Office Action received in this case was mailed on May 4, 2004. Applicants responded with a Notice of Appeal timely filed under a Certificate of Mailing on Aug. 3, 2004, before the three month due date for a response. The Notice of Appeal was received by the Office on Aug. 5, 2004.

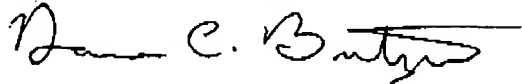
NRN-001

Applicants subsequently filed an Appeal Brief with a petition for a two month extension of time and a Certificate of Mailing on Dec. 5, 2004, four months after the Office received the Notice of Appeal. The Appeal Brief was timely as Applicants had two months to file an Appeal Brief, and this deadline could be extended up to five months under 37 C.F.R. 1.136(a). See MPEP § 1206.

In conclusion, Applicants' Notice of Appeal and Appeal Brief were timely filed. Accordingly, the Notice of Abandonment was improper, and rescission thereof is respectfully requested.

Applicants' undersigned attorney can be reached at (614) 486-3585. All correspondence should continue to be directed to the address indicated below.

Respectfully submitted,



Dane C. Butzer
Reg. No. 43,521

Dated: January 24, 2005

Dane C. Butzer
681 Woodduck Ct.
Columbus, OH 43215